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ARCADIS US, INC. AND LARRY ROTH

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 ROBERT PYKE,

15 Plaintiff,

16 v.

17 ARCADIS, US INC., a Colorado
18 corporation, LARRY ROTH, an individual,
and DOES ONE through FIFTY, inclusive,

19 Defendants.

20 Case No. C11-01279 CRB

21 **STIPULATION AND [PROPOSED]
22 ORDER CANCELING SETTLEMENT
23 CONFERENCE AND REFERRING CASE
24 FOR FURTHER PROCEEDINGS**

25 Judge: Hon. Charles R. Breyer

26 (Referred for Settlement Conference to
Hon. Maria Elena James)

RECITALS

Plaintiff ROBERT PYKE (“Plaintiff”) and Defendants ARCADIS US, INC. and LARRY ROTH (“Defendants”) (collectively the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on September 7, 2012, the Court held a Case Management Conference (“CMC”) in this matter in which the Court and the parties agreed to submit the matter to a magistrate for a potential Settlement Conference;

WHEREAS, the Court set a further CMC for November 9, 2012, to discuss further proceedings if no settlement is reached;

WHEREAS, on September 20, 2012, the Court referred this matter to Magistrate Judge Maria Elena James for a Settlement Conference, and on September 21, 2012, Magistrate Judge James issued an order setting the anticipated Settlement Conference for November 9, 2012, the same date as the further CMC set by the Court;

WHEREAS, on October 17, 2012, Magistrate Judge James issued an order re-setting the Settlement Conference for November 5, 2012;

WHEREAS, the parties, through counsel, have engaged in informal communications to gauge the respective settlement positions and the likelihood of the success of the Settlement Conference in light of the expense in time and resources necessary to meaningfully prepare for and attend the Settlement Conference;

WHEREAS, the parties have concluded that this case is unlikely to settle at this juncture and that it would not be efficient or effective for the parties, counsel, or the Court to conduct a Settlement Conference at this time.

ACCORDINGLY, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants, through their respective counsel, and the parties submit the following requests to the Court:

STIPULATION

1. That the Court cancel the Settlement Conference set for November 5, 2012, and take it off calendar in this matter;

1 2. That the matter be referred back to Judge Breyer for further proceedings
2 consistent with moving this matter towards trial.

3
4 Dated: October 22, 2012

5 STEPHEN F. HENRY
6 Attorney for Plaintiff
7 ROBERT PYKE

8 Dated: October 22, 2012

9 /s/ Angela J. Rafoth
10 ANGELA J. RAFOTH
11 LITTLER MENDELSON, P.C.
12 A Professional Corporation
13 Attorneys for Defendants
14 ARCADIS US, INC. AND LARRY ROTH

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ORDER

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Pursuant to the parties' stipulation, and good cause appearing, IT IS ORDERED that
3 the Settlement Conference set for November 5, 2012, is hereby cancelled and taken off calendar.
4 This matter is hereby referred back to Judge Breyer for further proceedings.

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IT IS SO ORDERED.

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Dated: October 30, 2012

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